

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SPEECH TRANSCRIPTION, LLC,

Plaintiff

v.

EXABEAM, INC.,

Defendant

Case No. 2:23-cv-605

Jury Trial Demanded

RESPONSE TO DEFENDANT’S MOTION TO DISMISS

On March 15, 2024, Defendant Exabeam, Inc. filed a Motion to Dismiss under F.R.C.P. 12(b)(6) (Dkt. No. 6) (“MTD”). Plaintiff Speech Transcription, LLC has filed a First Amended Complaint (Dkt. No. 7).

It is well established that a later-filed amended complaint moots a motion asking the Court to dismiss an earlier-filed complaint. *See Griffin v. Am. Zurich Ins. Co.*, 697 F. App’x 793, 797 (5th Cir. 2017) (“Once filed, that amended complaint rendered all earlier motions ... moot.”); *see also Bishop Display Tech LLC v. Samsung Elecs. Co., Ltd.*, No. 2:21-cv-00139-JRG, Dkt. No. 40 (E.D. Tex. Oct. 4, 2021) (“Once Plaintiff filed its amended complaint, the Motion became moot.”); *Ultravision Technologies, LLC v. Eaton Corp. PLC*, No. 2:19-CV-00290-JRG, 2019 WL

11250161, at *1 (E.D. Tex. Nov. 7, 2019) (“Accordingly, the filing of an amended complaint moots a motion to dismiss the original complaint.”).

Accordingly, Defendant’s MTD is now moot.

Dated: April 12, 2024

Respectfully Submitted,

/s/ Randall Garteiser
Randall Garteiser
Texas Bar No. 24038912
rgarteiser@ghiplaw.com
M. Scott Fuller
Texas Bar No. 24036607
sfuller@ghiplaw.com

GARTEISER HONEA, PLLC
119 W. Ferguson Street
Tyler, Texas 75702
Telephone: (903) 705-7420
Facsimile: (903) 405-3999

René A. Vazquez
Virginia Bar No. 41988
rvazquez@sinergialaw.com

**SINERGIA TECHNOLOGY
LAW GROUP, PLLC**
18295 St. Georges Ct.
Leesburg, Virginia 20176
Telephone: (703) 89-2244

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing using the Court's Case Management and Electronic Case Filing system, which will send notification of such filing to counsel of record in this action registered with the Court's system. Those counsel not registered with the Court's system will receive service via electronic and U.S. Mail.

/s/ Randall Garteiser
Randall Garteiser